

STATE OF TENNESSEE

Office of the Attorney General



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April 28, 2004

Honorable Deborah Taylor Tate
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

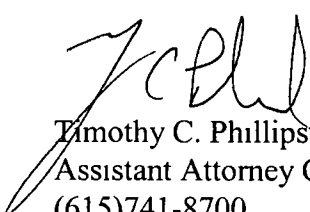
**Re: TENNESSEE COALITION OF RURAL INCUMBENT TELEPHONE
COMPANIES AND COOPERATIVES REQUEST FOR SUSPENSION OF
WIRELINE TO WIRELESS NUMBER PORTABILITY OBLIGATIONS
PURSUANT TO SECTION 251(F)(2) OF THE COMMUNICATIONS ACT OF
1934, AS AMENDED**

Docket No. 03-00633

Dear Chairman Tate:

Enclosed is an original and thirteen copies of the Consumer Advocate and Protection Division of the Office of the Attorney General's Response To Motion To Suspend. Kindly file the same in this docket. Thank you.

Sincerely,


Timothy C. Phillips
Assistant Attorney General
(615)741-8700

cc: All Parties of Record

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**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**TENNESSEE COALITION OF RURAL
INCUMBENT TELEPHONE
COMPANIES AND COOPERATIVES
REQUEST FOR SUSPENSION OF
WIRELINE TO WIRELESS NUMBER
PORTABILITY OBLIGATIONS
PURSUANT TO SECTION 251(F)(2) OF
THE COMMUNICATIONS ACT OF
1934, AS AMENDED**

DOCKET NO. 03-00633

CONSUMER ADVOCATE'S RESPONSE TO MOTION TO SUSPEND

Comes now Paul G. Summers, the Attorney General for the State of Tennessee, through the Consumer Advocate and Protection Division of the Office of the Attorney General (hereinafter "Consumer Advocate"), and hereby responds to the *Motion For Suspension Of Pending Proceeding And Motion To Set Procedural Schedule* of the members of the Tennessee Coalition of Rural Incumbent Telephone Companies and Cooperatives (hereinafter "Petitioners" or "Independents"). The Consumer Advocate objects to the Petitioners' motion filed April 19, 2004. Further, the Consumer Advocate requests that the Tennessee Regulatory Authority ("Authority") deny the relief sought by the Petitioners' in this docket and enter an order directing Petitioners to comply with the directives of the Federal Communication Commission ("FCC").

Petitioners filed their petition for suspension of their obligations on December 11, 2003. Petitioners have had four (4) months to present material to the Authority in support of its petition, but has failed to do so. Instead, Petitioners seem more interested in the introduction of immaterial

arguments over what the Consumer Advocate may have meant by using the term “indefinite.” The Petitioners take additional time in their recent filing to mistakenly suggest that the Consumer Advocate is in favor of a suspension beyond May 24, 2004. The Consumer Advocate does indeed object to an extension beyond May 24, 2004.¹ In February, 2004 there was time for a patient approach to the needs of the Petitioners. The privilege of that time has withered away.

Petitioners’ efforts in this docket are contrary to the nature of proceedings before the Authority. Matters brought to the attention of the Authority must be decided on the merits. It is not enough for a party with the burden of proof to simply note for this Authority the relief it seeks and the legal framework under which it proceeds. At some point, the party must demonstrate the underlying factual basis of its claims. Petitioners have refused to offer such information to the Authority

In light of the record, and Petitioners’ apparent decision not to supplement the record, the Consumer Advocate requests that the *Amended Petition For Suspension* be denied.

¹ The Consumer Advocate’s objection to allowing Petitioners an uncertain time period of relief is quite obviously stated at ¶ 6 of the April 1, 2004 filing of the Consumer Advocate of its *Second Complaint And Petition To Intervene*.

RESPECTFULLY SUBMITTED,

PAUL G. SUMMERS, B.P.R. #6285

Attorney General

State of Tennessee


TIMOTHY C. PHILLIPS, B.P.R. #012751

Assistant Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via or facsimile on April ~~28th~~ 2004, upon:

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